

109 FERC ¶ 61,048
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeem G. Kelly.

Pacific Gas and Electric Company

Docket Nos. ER03-409-004
ER03-666-000
ER03-666-004

ORDER APPROVING PARTIAL UNCONTESTED SETTLEMENT

(Issued October 12, 2004)

1. On June 2, 2004, Pacific Gas & Electric Company (PG&E) filed an offer of partial settlement and stipulation. The offer resolves all issues pending in this proceeding concerning PG&E's proposed changes to the rates under the City and County of San Francisco's Interconnection Agreement, PG&E Rate Schedule FERC No. 114. Trial Staff filed initial comments in support of the settlement. Staff notes that the agreed upon settlement rate is significantly lower than the rate that PG&E sought in its original rate filing in Docket No. ER03-666-000.
2. No other comments were filed. On August 26, 2004, the Presiding Administrative Law Judge certified the partial settlement to the Commission as uncontested.
3. The subject partial settlement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Commission retains the right to investigate the rates, terms and conditions under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act, 16 U.S.C. section 824e (2000).
4. In addition, the rate schedules submitted as part of the settlement are in compliance with *Designation of Electric Rate Schedule Sheets*, Order No. 614, FERC Stats. & Regs., Preambles July 1996-December 2000 ¶ 31,096 (2000), and are accepted for filing as designated.

5. PG&E will file with the Commission a refund report within thirty (30) days of the date on which PG&E has provided refunds to City and County of San Francisco.

6. PG&E will provide refunds with interest to City and County of San Francisco based on the applicable rate levels in section 2.1 of the settlement, as required under 18 C.F.R. § 35.19a (2004) within thirty (30) days of the date on which all necessary approvals of this settlement are obtained and PG&E obtains respective billing data from the City and County of San Francisco upon which to make refund calculations.

7. This order terminates Docket Nos. ER04-409-004, ER03-666-000, and ER03-666-004 for all parties and issues, except for one issue pertaining to the Cogeneration Association of California and Energy Producers and Users Coalition, which issue has been set for hearing in Docket Nos. ER03-409-000. A new sub-docket will be assigned in Docket No. ER03-666 upon receipt of the required refund report.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.